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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,613	07/05/2000	Machio Moriuchi	032590-065	3903

7590 07/06/2005

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EXAMINER

CHOW, MING

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,613

Applicant(s)

MORIUCHI ET AL.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10-28-04, 2-28-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. The amendment to the claims filed on 2-28-05 does not comply with the requirements of 37 CFR 1.121(c) because the added text “visually” (line 14) in claim 1 is not underlined.

Amendments to the claims filed on or after July 30, 2003 must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing*. All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of “canceled” or “not entered” may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required*. All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of “currently amended,” and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of “currently amended,” or “withdrawn” if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as “withdrawn—currently amended.”

(3) *When claim text in clean version is required*. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of “original,” “withdrawn” or “previously presented” will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may

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have been present in the immediate prior version of the claims of the status of “withdrawn” or “previously presented.” Any claim added by amendment must be indicated with the status of “new” and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of “canceled” or “not entered.”

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as “canceled” will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a “new” claim with a new claim number.

The Examiner waives the requirement for the Applicant to correct the error within one month. However, the Applicant is respectfully reminded to include such marking for future changes. Also, the Examiner assumes no similar errors in other claims of this amendment unless it is correctly marked as required.

Information Disclosure Statement

2. The information disclosure statement filed on 2-28-05 fails to comply with 37 CFR 1.98(a)(3) because it, item A (Benedikt et al), does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 8-13, 14, 16, 19, 21-27, 29, 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Harper et al (US: 5537141).

For claims 1, 14, 27, 16, 29, regarding “a process at a terminal at which voice is input for generating voice data indicating said voice”, Harper et al teach on item 100 Fig. 2, teacher control system (claimed “a terminal”). The teacher control system includes item 112 Fig. 2, a microphone at which voice is input. The voice signal generated by the terminal for transmission is the claimed “voice data”.

Regarding “a process at the server for receiving said voice data”, Harper et al teach on items 118, 122 Fig. 2, “administrative computer” and “audio mixer” (claimed “a server receives voice data”).

Regarding “a process at said server for sending said voice data to a predetermined terminal; a process at said predetermined terminal for receiving said voice data; a process at the

terminal that received said voice data for outputting the voice indicated by said voice data”, Harper et al teach on items 194, 198 Fig. 1, predetermined terminal for receiving voice data from the server.

Regarding “a process at the terminal that received said voice data for generating a reception result of said voice data”, Harper et al teach on item 194 Fig. 1 and column 19 line 20 to column 20 line 9, after receiving the voice data from the instructor the participant enters a response (claimed “reception result”) via the keypad.

Regarding “a process at the terminal that generated said voice data for receiving said reception result; and a process at the terminal that received said reception result for visually indicating a reception state of said voice data based on said reception result”, Harper et al teach on column 15 line 26-49, the participant’s response data (claimed “reception result”) are displayed (claimed “visually indicating”) at the teacher control system (claimed “terminal”) which includes the displaying monitor (item 202 Fig. 2).

Regarding claims 6, 19, 32, all rejections as stated in claim 1 above apply.

Harper et al teach on column 14 line 2-3, a header (claimed “utterance data”) for the audio packets. The header of the packet is one of a plurality of data fields within the data packets (claimed “voice data”). Therefore, the header is shorter than the voice data.

Regarding claims 8, 21, 34, Harper et al teach on column 13 line 27 to column 14 line 3 the utterance data is processed by multiplexor (item 230, Fig. 3). The voice data is processed by audio mixer (item 118 Fig. 2).

Regarding claims 9-12, 22-25, 35-38, all rejections as stated in claim 1 above apply.

Regarding “the server for storing permission or denial”, Harper et al teach on column 15 line 37-39, the administrative computer transmits authorization. The receiving terminal (claimed “predetermined terminal”) is designated for permission or denial based on the authorization stored in the server. The authorization must be within the authorized limits (authorization list). Any terminal that is authorized is designated for receiving data. The administrative computer is the claimed “predetermined terminal for designating permission or denial”.

Regarding claims 13, 26, 39, all rejections as stated in claims 1, 6, 9 above apply.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2, 7, 15, 28, 20, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al, in view of Bales et al (US: 5729532).

Harper et al failed to teach “said process for.....said voice data”. However, Bales et al teach on column 21 line 35-45, items 1607, 1608, 1609 Fig. 16, display of each member of the conference call (reads on claimed “the action of the avatar”) and the call state (claimed “reception state”).

It would have been obvious to one skilled at the time the invention was made to modify Harper et al to have the “said process for.....said voice data” as taught by Bales et al such that the modified system of Harper et al would be able to support the reception state by indicating the avatar of the user to the system users.

5. Claims 3, 5, 18, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al, in view of Hamilton et al (US: 6392993).

Regarding claim 3, Harper et al failed to teach “ACK or NACK messages”. However, Hamilton et al teach on column 3 line 33-51, the recipient (claimed “terminal that received said voice data”) positively acknowledge receipt (claimed “indicating the reception state”) of packet by sending an ACK to the sender (claimed “terminal that sent said voice data”).

It would have been obvious to one skilled at the time the invention was made to modify Harper et al to have the “said process for.....said voice data” as taught by Bales et al such that the modified system of Harper et al would be able to support the system users conveniences of indicating reception result by an ACK message.

Regarding claims 5, 18, 31, Harper et al failed to teach “reception result based a data form”. However, Hamilton et al teach on column 3 line 33-51, the ACK message is generated based on receptions of data packets (claimed “data form”).

It would have been obvious to one skilled at the time the invention was made to modify Harper et al to have the “reception result based a data form” as taught by Hamilton et al such that the modified system of Harper et al would be able to support the system users conveniences of generating reception result based on the data form.

6. Claims 4, 17, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al, in view of Moteki et al (US: 5960005).

Harper et al failed to teach “said process for generating.....said process for indication.....said reception state”. However, Moteki et al teach on column 30 line 27-29, an ACK message includes a terminal ID.

It would have been obvious to one skilled at the time the invention was made to modify Harper et al to have the “said process for generating.....said process for indication.....said reception state” as taught by Moteki et al such that the modified system of Harper et al would be able to support the ACK message includes a terminal ID to the system users.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

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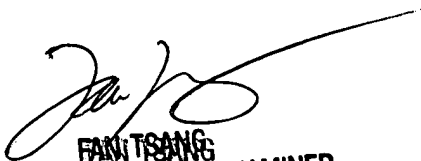
Or faxed to Central FAX Number 703-872-9306.

Patent Examiner

Art Unit 2645

Ming Chow

(M)


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